

Editorial - Elko Daily Free Press

Editorial: BLM seeks input on 20-year mining claim ban

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Elko County is battling the federal government yet again, this time in an effort to save the region's mining-based economy. Residents have an opportunity to do their part on Wednesday night at the convention center.

Federal agencies control 75 percent of the land in our county, and they recently sealed off a large chunk of that from new mining claims over a two-year period. The meeting from 5-7 p.m. will be to discuss their plan to extend that ban to 20 years.

The action by the executive branch of the federal government is in addition to a legislative proposal to charge royalties on mines whether they are profitable or not. The big difference in the mining claims ban is that no legislative consensus was needed.

Will federal agencies take the voices of Elko County and other western community residents into consideration, or will they be drowned out by the voices of environmental groups? The only way to find out is to testify in numbers that would be big enough to get their attention.

So-called "Sagebrush Focal Areas" cover a massive swath of land straddling Nevada's northern border, including the northern third of Elko County.

These areas and accompanying land-use restrictions were created as an alternative to listing the sage grouse as a threatened species.

The mining claims ban has already threatened a potential \$3 billion mining project, according to Elko County Commission Chairman Demar Dahl.

That's one reason the county and two mining companies filed for an injunction against implementing the new land-use rules, with support from Attorney General Adam Laxalt.

“This is a big issue for the mining community,” Jack Lyman of the Idaho Mining Association testified. “This is where we’re going to find the minerals in the next 5, 10, 20, 50 years.”

Last week a judge denied the request. Instead, she sided with government lawyers who argued that the rules offer guidelines but no specific decisions on individual permits. In other words, their implementation is left open to the whims of federal administrators – and we have already seen how well that works when it comes to livestock grazing access.

The mining claims ban conveniently circumvents the 1872 mining law, which was designed to promote development in the West. Nowadays, the folks in Washington think the West has developed enough. The new rules favor habitation of a bird that federal officials have already admitted is under no danger of extinction.

Although Wednesday’s hearing concerns only the mining claims ban extension, the new land-use rules threaten Elko County’s economy in other ways as well. Oil and gas companies would still be allowed to lease in Sagebrush Focal Areas, but they could not occupy the land – which means they would need to drill into it sideways from private land.

Even “green” energy would not be allowed, as we have already seen when investors backed out of the China Mountain wind turbine project that was to be located right in the middle of what would become the Sagebrush Focal Area on the Nevada-Idaho border.

None of that mattered to the judge, nor will it matter to BLM officials on Wednesday night as they focus solely on the mining claims ban. And as Dahl pointed out, the most immediate impact involves land that isn’t even controlled by the Interior Department — the potential mine sites are on Forest Service land.

We hope this complicated web of regulations and authority doesn’t discourage testimony at Wednesday’s meeting. The BLM has asked to hear from people about a 20-year ban on mining claims, and northeastern Nevada residents should answer loud and clear.